



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/054,917	04/02/1998	KEVIN D. SATTERFIELD	UV-45	3260

7590

08/15/2002

G VICTOR TREYZ
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 100201104

EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 08/15/2002

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/054,917

Applicant(s)

SATTERFIELD ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 52-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 52-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-36 and 52-54 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-36 and 52-54 rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (U.S. Patent No. 5,850,218) in view of Yuen et al (U.S. Patent No. 6,147,715).

Regarding claim 1, LaJoie et al (or "LaJoie" hereinafter) disclose an interactive television program guide system implemented on user television equipment (col. 2/lines 1-7), comprising means for simultaneously displaying (a) a program list that contains multiple program listings, that only contains program listings for programs that are currently being broadcast, and that has a highlight region for highlighting a given one of the program listings, i.e., all programs currently being broadcast are displayed on the program listing (Fig. 16 and col. 23/lines 44-61), (b) a video window that contains an unobstructed view of a television program (col. 23/lines 56-59), and (c) a detailed program description of the highlighted program listing (Fig. 16/item 378); means for allowing the user to position the highlight region among the program listings, i.e., the user uses remote keys for browsing or selecting a highlight cursor (Fig. 16/item 394 and Figs. 11-13 for the illustration of using remote keys).

LaJoie does not clearly shows "means for allowing the user to position the highlight region only among the program listings for programs that are currently being broadcast"; however, Yuen et al (or "Yuen" hereinafter) teach an exact same technique as Yuen clearly shows that a user can position the highlight region only among the program listings for programs that are currently being broadcast at the current time (see Yuen, Fig. 3/at items "NOW" 54 with highlight at 60 for a currently "Now" broadcasting program with description at item 56; and col. 3/line 54 to col. 4/line 16 for more details on this issue). LaJoie does not show "means for automatically updating the detailed program description to correspond to the highlighted program listing whenever the highlight region is positioned on a new program listing while leaving the television program in the video window unchanged"; however, Yuen teaches that when the user view a video from a VCR (as illustrated in Fig. 10B), the user can also access to have the screen of Figure 3, i.e., accessing to the "NOW" guide with a highlight cursor 60 and its corresponding description in window 56 (Fig. 3) while keeping the video unchanged (as clearly shown in Fig. 11A & col. 5/line 50-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie's interactive program guide system with Yuen's disclosed technique of including "means for allowing the user to position the highlight region only among the program listings for programs that are currently being broadcast" and the step of "automatically updating the detailed program description to correspond to the highlighted program listing whenever the highlight region is positioned on a new program listing while leaving the television program in the video window unchanged" in order to provide user a convenient and additional feature in browsing and selecting a currently broadcasting program while scanning or searching through the program listing at a current time as preferred. The motivation for doing this is to provide a television system which has both types of guides, i.e., an EPG guide and a tape index guide, for users to

control easily between various guide screen and guide mode including switching between tuned channels or the outputs of the tuner and the VCR as suggested by Juen (col. 1/lines 15-48).

As for claim 2, LaJoie further discloses "further comprising means for synchronizing the television program in the video window and the highlighted program listing" as the user selects the highlighted cursor to KCBS channel 2, channel 2 is displaying in the video window 340 (Fig. 16).

As for claim 3, the step of "wherein the means for synchronizing further comprises means for providing the user with an opportunity to select the highlighted program listing" is revealed by LaJoie as LaJoie shows that the user can move the highlighted cursor and selects the one he/she likes (Fig. 16 to Fig. 17 and col. 24/lines 34-51).

Concerning claims 4-5 and 7-8, the steps of "wherein the means for providing the user with an opportunity to select the highlighted program listing further comprises means for allowing the user to select the highlighted program listing with a remote control select key" and "wherein the means for synchronizing further comprises means for providing the user with the opportunity to synchronize the television program in the video window and the highlighted program listing using remote control channel up and down keys" are taught by LaJoie as well (Figs. 6-7, 9-13 as remote keys with Channel Up/Down keys 102, Arrow keys 128 and Select key 136 is used for function settings and selecting; and col. 24/lines 34-51).

As for claim 6, LaJoie further reveals "wherein the means for synchronizing further comprises means for allowing the user to change the channel for the television program that is displayed in the video window to an adjacent channel while simultaneously positioning the highlight region on top of the program listing for that channel in the program list" as LaJoie shows that when the user moves to the next channel on the program list, the highlight region is simultaneously shows up on top of the program listing (Fig. 17/item 361).

As for claim 9, LaJoie further teaches "wherein the means for allowing the user to position the highlight region further comprises means for allowing the user to position the highlight region with remote control numeric keys" as LaJoie reveals the additional use of numeric keys in selecting PPV events (Fig. 28/item 538).

Concerning claim 10, the step of "further comprising means for providing the user with an opportunity to display an information screen containing an additional description of the highlighted program listing" is disclosed by LaJoie as LaJoie shows the description of the program as the user highlights a preferred program in the program listing (col. 27/lines 3350). With respect to claim 11, LaJoie further teaches "comprising means for providing the user with an opportunity to return to normal television viewing from the simultaneously displayed program list, video window, and detailed program description" (col. 26/lines 23-26).

Regarding claim 12, LaJoie reveals that wherein the means for positioning the highlight region further comprises means for positioning the highlight region whenever the user presses channel keys (Fig. 6), the system further comprising means for changing the channel of the television program displayed in the video window to an adjacent channel whenever the user presses one of the channel keys, i.e., as the user uses the channel up/down keys to select the next adjacent channel KCBS 2, KCET 3 and KNBC 4 (Fig. 6); and means for displaying the program list with the highlight region repositioned at the top of the list on top of a program listing for the adjacent channel whenever the program listing for the adjacent channel does not appear on the program list when the user presses one of the channel keys to change channels, i.e., as the user selects channel 2 by pressing one of channel keys, the highlight region is displayed on top of the program listing (as illustrated in Fig. 16), and in the same manner, as the user selects channel 1 which is adjacent to channel 2, that channel with its highlight region will be displayed as same as mentioned to channel 2, but channel 1 does not appear on the program list (as illustrated by Fig.

16) as the user uses one of the channel keys to do it because the program guide is sorted and shown by time instead of the order of channels.

Regarding claims 13-24, these claims for "a method for using an interactive television program guide system implemented on user television equipment" are rejected for the reasons given in the scope of system claims 1-12 as already disclosed above.

Regarding claims 25-36, these claims for "an interactive television program guide system and a method for using that interactive television program guide system implemented on user television equipment" with same limitations of claims 1-12 are all rejected for the reasons given in the scope of system and method claims 1-24 as already discussed above.

Regarding claims 52-54, these claims are directed to a feature that allows the program listings to be browsed in more than one ways. By using different keys or sets of keys on the remote control, the user is able to determine whether or not the program displayed in the video window is updated to correspond with the highlighted program listing, i.e., with two sets of keys, are rejected in view of Yuen. Yuen shows a remote control (Fig. 2) with a plurality of keys that performs exactly the same feature as cited because Juen can provide a real time video of currently broadcasting programs with highlighted program listing (as illustrated in Fig. 3) as well as the illustration of having a program guide as of Figure 3 while still maintaining the watching video, if needed, as shown in Figure 11A with the control of the remote control (col. 3/line 54 to col. 4/line 16 & col. 5/lines 50-60).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park 99, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Art Unit: 2611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



ANDREW FAILE
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2600

Krista Bui
Art Unit 2611
August 8, 2002